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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Yuji Kitamura
Serial No.: 09/775,101
Conf. No.: 6976
Filed: February 1, 2001
Title: Method and System for Tracking Items
Using a Distributed Infrastructure
Art Unit: 2635
Examiner: William L. Bangachon

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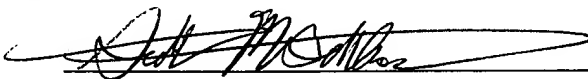
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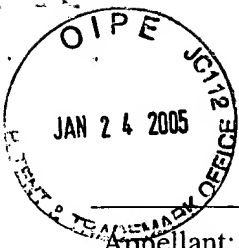
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January 20, 2005
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**APPELLANT'S BRIEF ON APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

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I. Real Party In Interest

The real party in interest to this application and to this appeal is Sanyo Semiconductor Corporation, by virtue of an Assignment from the inventor, Yuji Kitamura, recorded May 29, 2001 at Reel 011849, Frame 0792.

II. Related Appeals and Interferences

There are no related appeals or interferences.

III. Status Of Claims

Claims 1-45 are pending in the application. Claims 1, 19, 36, 37, 38, and 42 are independent.

Independent claim 1, and claims 2-18 dependent thereon, and independent claim 37, are method claims defining methods of tracking items.

Independent claim 19, and claims 20-35 dependent thereon, and independent claim 36, are system claims defining systems for tracking an item.

Independent claim 38, and claims 39-41 dependent thereon, are apparatus claims defining an "identifier."

Independent claim 42, and claims 43-45 dependent thereon, are apparatus claims defining a "gate."

As set forth in the final Office Action mailed April 22, 2004, claims 1-22, 24, 26-38, 41, and 42 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Reissue Patent No. RE37,822 E ("Anthonyson"); and claims 23, 25, 39, 40, and 43-45 stand rejected under 35 U.S.C. § 103(a) as obvious over Anthonyson in view of U.S. Patent No. 6,340,935 ("Hall"). Appellant appeals the final rejections.

IV. Status Of Amendments

All amendments have been entered.

V. Summary Of Claimed Subject Matter

In general, the appellant's disclosure teaches an item tracking method and system which may have numerous gates associated with a tracking station and may accommodate any number of tracking stations. Each such tracking station may, for example, use this method and system

for tracking items of a particular type. In accordance with the appellant's disclosure, an item to be tracked is provided with an identifier, and, when the item approaches one of the gates, the gate obtains from the identifier two separate pieces of information: (1) an item-identification of the item; and (2) a tracking-station-identification of a tracking station associated with the item. The item-identification of the item is then communicated to the particular tracking station identified by the tracking-station-identification.

The feature of providing an item with an identifier that includes both an item-identification of the item and a separate tracking-station-identification of a tracking station related to the item provides the present invention with the advantage that various types of items can be simultaneously tracked by the system, even though the usual tracking mechanisms for the various types of items may differ significantly. For example, as disclosed at page 6, line 22 – page 7, line 1 of the appellant's specification, "the system 10 may be used to track a plurality of items of any type whatsoever (*e.g.*, parcels, automobiles, livestock, fruit and other agricultural products, people, credit cards, personal belongings, library materials, season passes, commuter passes, *etc.*)". In this manner, the system of the present invention enables a more global scope of tracking than is ordinarily provided by a system such as a restricted-access parking facility. Unlike the cited prior art, the present invention employs a separate tracking-station-identification that is related to the item, in addition to an item-identification. The tracking-station-identification serves the function of identifying which tracking station will track the item, thereby enabling the system to know how the item will be tracked and to where the tracking information for the item shall be communicated, in addition to information that actually identifies the item.

Independent claim 1, and claims 2-18 dependent thereon, recite a method of tracking an item. The method includes the steps of providing the item with an identifier for specifying both an item-identification of the item and a tracking-station-identification of a tracking station related to the item; obtaining from the identifier of the item, via a gate having a gate-identification, the item-identification of the item and the tracking-station-identification; and communicating to the tracking station identified by the tracking-station-identification obtained from the identifier both the item-identification of the item and the gate-identification of the gate.

Independent claim 19, and claims 20-35 dependent thereon, recite a system for tracking an item. The system comprises a tracking station associated with the item; an identifier for

specifying both an item-identification of the item and a tracking-station-identification of the tracking station associated with the item; and a gate coupled with the tracking station for obtaining the item-identification of the item and the tracking-station-identification of the tracking station associated with the item and communicating the obtained item-identification and a gate-identification of the gate to the tracking station identified by the tracking-station-identification obtained from the identifier.

Independent claim 36 recites a system for tracking a plurality of items, each having a unique item-identification and being associated with one of a plurality of tracking stations. The system comprises an identifier for each item for specifying both an item-identification of that item and a tracking-station-identification of the tracking station associated with the item; and a plurality of gates for obtaining the item-identification and the tracking-station-identification from each approaching item and communicating the obtained item-identification and a gate-identification of the gate to the tracking station identified by the tracking-station-identification obtained from the identifier.

Independent claim 37 recites a method of tracking a plurality of items, each having a unique item-identification and being associated with one of a plurality of tracking stations. The method includes the steps of providing for each item an identifier for specifying both the item-identification of that item and a tracking-station-identification of the tracking station associated with that item; providing a plurality of geographically distributed gates, each having a unique gate-identification; obtaining, at each gate approached by one of the items, the item-identification of that item and the tracking-station-identification from the identifier of that item; and communicating each obtained item-identification and the gate-identification of the gate approached by that item to the tracking station identified by the tracking-station-identification obtained from the identifier.

Independent claim 38, and claims 39-41 dependent thereon, recite an identifier for use in tracking an item with an item tracking system. The identifier comprises an item-identification uniquely associated with a particular item and a tracking-station-identification uniquely associated with a tracking station related to the particular item. The identifier further comprises a transmitter adapted for communicating the item-identification and the tracking-station-identification from the identifier to a gate coupled with the tracking station related to the particular item.

Independent claim 42, and claims 43-45 dependent thereon, recite a gate for use in an item tracking system capable of tracking a plurality of items, each item having an identifier. The gate comprises a gate-identification uniquely associated with the gate; a detector for obtaining from the identifier of one of the plurality of items both (1) an item-identification of the item and (2) a tracking-station-identification of a tracking station related to the item; and a transmitter adapted for communicating the obtained item-identification and the gate-identification uniquely associated with the gate to the tracking station identified by the tracking-station-identification obtained from the identifier.

VI. Grounds of Rejection To Be Reviewed On Appeal

1. The rejection of claims 1-22, 24, 26-38, 41, and 42 under 35 U.S.C. § 102(e) as anticipated by Anthonyson; and
2. The rejection of claims 23, 25, 39, 40, and 43-45 under 35 U.S.C. § 103(a) as obvious over Anthonyson in view of Hall.

VII. Argument

Briefly, the Examiner has not established a *prima facie* case of either anticipation or obviousness, because a claimed element is absent from both Anthonyson and Hall.

A. Description of Cited References

Anthonyson: United States Reissue Patent No. RE37,822 E was reissued on August 27, 2002 and is cited under 35 U.S.C. § 102(e). Anthonyson discloses an automated vehicle parking system for a plurality of remote parking facilities, each having a remote facility computer. When a vehicle enters or leaves one of the remote parking facilities, an RF signal, or the like, provides the vehicle identification number (VIN) of the vehicle to that remote parking facility's computer, which records the VIN along with the time of day and the lane number of the remote facility where the vehicle entered or left. The remote facility's computer calculates the parking cost accrued for that vehicle based on parking rates that are stored in the remote facility's computer. The system of Anthonyson also includes a *central* computer which is coupled to each remote facility computer and which generates a single bill for each user of one or more of the remote facilities, including the charges incurred by that user at each remote facility. The central computer also advises each remote facility's computer of the total fees due from each user of that remote facility during a given period. However, because all of the remote facilities are

connected to the central computer, Anthonyson fails to disclose or suggest a vehicle (or any other item) provided with an identifier that specifies both an item-identification of the item itself and a tracking-station-identification of a tracking station related to the item, or that employing such an identifier would be desirable or even possible.

Hall: United States Patent No. 6,340,935 B1 was issued on January 22, 2002 and is cited under 35 U.S.C. § 102(e). Hall discloses a computerized parking facility management system for managing parking operations by, *inter alia*, capturing and quantifying the contour of each vehicle that enters a parking facility as part of the identification of the vehicle, which can then be compared with stored vehicle contours to determine the location of a parked vehicle. The Hall system includes a host of features unrelated to appellant's specific invention. The Examiner cites Hall only for its disclosure of the use of data transmission via the Internet, which is not taught or suggested by Anthonyson. However, like Anthonyson, Hall also fails to disclose or suggest a vehicle or any other item having an identifier that specifies an item-identification of an item and a tracking-station-identification of a tracking station related to the item.

B. Both Anthonyson and Hall Fail to Disclose an Identifier that Includes Both an Item-Identification and a Tracking-Station-Identification

Anthonyson fails to disclose or suggest providing an item with an identifier for specifying both an item-identification of the item and a tracking-station-identification of a tracking station related to the item. Consequently, Anthonyson necessarily also fails to disclose or suggest **obtaining from the identifier** both an item-identification of an item and a tracking-station-identification of a tracking station related to the item; and Anthonyson further fails to disclose or suggest communicating an item-identification and a gate-identification **to a tracking station identified by the tracking-station-identification obtained from the identifier** (inasmuch as no tracking-station-identification was ever provided to the item in the first place and therefore could not be obtained from an identifier in the system of Anthonyson). To the contrary, the automated vehicle parking system of Anthonyson acquires from a vehicle only a vehicle identification number. There is no disclosure or suggestion of also acquiring a tracking-station-identification to which the vehicle identification number may be sent, nor even any disclosure or suggestion of any motivation for doing so. Indeed, Anthonyson explicitly states that "all data regarding a user will be transmitted to the central facilities computer 10." See Anthonyson, column 4, lines 50-52. Thus, there is no disclosure or suggestion of transmitting the data to a location (*e.g.*, a tracking station) determined on the basis of information (namely, a

tracking-station-identification) obtained from an identifier of a tracked item. In other words, irrespective of which vehicle is involved, Anthonyson's satellite parking facilities 10, 20, 30, 40, 50, 60, 70, 80, 90 send data about that vehicle, when detected, only to a single, predetermined centralized location, namely the central facility computer 10. There is no way for the system of Anthonyson to choose where to send information about a vehicle based on information obtained from the vehicle's identifier.

The Examiner's citation of column 5, lines 13-29 and column 7, lines 11-17 of Anthonyson does not support the rejection of the appellant's present claims. For example, at column 5, Anthonyson teaches that an identifying signal (identifying only the vehicle itself) is sent from a vehicle to a sensor 132 which relays the signal to the lane controller computer 120—a single and predetermined destination—which passes the signal on to the host computer 112—again a single and predetermined destination. The Anthonyson system does not select where to send the identifying signal based on any tracking-station-identification received from the vehicle and, indeed, no tracking-station-identification is even received from the vehicle. To the extent the sensor 132 is considered a “gate,” the sensor 132 does not obtain an item-identification of an item **and** a tracking-station-identification of a tracking station as asserted by the Examiner. See Anthonyson, column 5, lines 13-29. Moreover, at column 7, lines 11-17, Anthonyson teaches that “the tag *will typically not contain any information that would associate it with a particular parking facility*” (emphasis added). Thus, for at least these reasons, Anthonyson not only fails to anticipate, but actually teaches away from, the appellant's present claims.

The Examiner's comments in the June 30, 2004 Interview Summary indicate that the rejection is based on an overbroad interpretation of the claims and a misapplication of Anthonyson. The Examiner states that “[w]hen a vehicle/item with vehicle identification/item identifier enters the parking lot, the host computer (tracking station) obtains the vehicle identification number, date and time of day, and the lane number via the entrance lane (entrance gate) {Anthonyson, col. 5, lines 13-28}. At this point, the vehicle/item is now provided with at least two id's (vehicle id and lane id) which is obtained by the host computer {Anthonyson, col. 5, lines 29-31} via the gate (entrance lane), communicating with the host computer.” The Examiner has ignored the elements of the appellant's present claims. Claim 1, for example, recites “providing the item with an identifier for specifying an item-identification of the item and a tracking station-identification of a tracking station related to the item.” The vehicles disclosed

in Anthonyson have “vehicle identification numbers” which are detected by the system of Anthonyson, but the vehicles are not provided with an identifier for specifying a tracking-station-identification of a tracking station related to the item in addition to an item-identification of the item itself. Further, the lane numbers assigned to the vehicles in the Anthonyson system cannot constitute the claimed tracking-station-identifications because they do not identify tracking stations to which the system of Anthonyson can send an item-identification and a gate identification. The rejection is simply without merit.

Appellant submits that one of ordinary skill in the art would understand that Anthonyson does not disclose the use of a tracking-station-identification at all. Instead, in Anthonyson, for each satellite parking facility, there is only one possible “tracking station,” *i.e.*, the host computer 112. Because there is only one host computer associated with any given satellite parking facility, there is never any need for a tracking-station-identification in Anthonyson. This makes sense, because the only function being performed by the system in Anthonyson is to operate a set of parking facilities. Unlike appellant’s present invention, Anthonyson is not intended to enable tracking of disparate types of trackable items.

In contrast, each of the independent claims at issue recites the use, for each item to be tracked, of an identifier that specifies both an item-identification of the item and a tracking-station-identification of a tracking station related to the item. Because this feature is recited by each independent claim at issue (claims 1, 19, 36, 37, 38, and 42), and because Anthonyson fails to disclose or suggest this feature as discussed above, appellant respectfully submits that every independent claim at issue is allowable over Anthonyson. In addition, because each of the dependent claims (claims 2-18, 20-35, 39-41, and 43-45) depends from one of the foregoing independent claims, appellant respectfully submits that each of these dependent claims also is allowable over Anthonyson for the same reasons as discussed above with respect to the independent claims.

Hall is cited by the Examiner only for its teaching of IP (Internet Protocol) addresses as recited by dependent claims 5, 7, 23, 25, 39, 40, 43, 44, and 45. While the Examiner’s undocumented statement that “Internet Protocol (IP) addressing is conventional in connection with computers” may be correct, there is no disclosure or suggestion in any of the cited prior art of the use of IP addresses for a tracking system for tracking general items (*e.g.*, parcels, automobiles, livestock, fruit and other agricultural products, people, credit cards, personal

belongings, library materials, season passes, commuter passes, *etc.*) as taught by the appellant's present disclosure (*see* page 7, line 21 – page 8, line 11). In any event, as explained above, these dependent claims are patentable over the cited prior art for the same reasons as the underlying independent claims as explained hereinabove. Hall also fails to disclose or suggest obtaining an item-identification and a tracking-station-identification from an identifier and thus also fails to anticipate or render obvious, alone or in combination with Anthonyson, claims 5, 7, 23, 25, 39, 40, 43, 44, and 45, or any of the claims presently at issue.

CONCLUSION

For the reasons presented herein, appellant respectfully submits that independent claims 1, 19, 36, 37, 38, and 42 are patentable over the cited references. In addition, each of claims 2-18, 20-35, 39-41, and 43-45 depends from one of the foregoing independent claims, and each therefore is allowable as dependent from an allowable base claim. Accordingly, appellant respectfully requests that the final rejection be reversed and that the application be allowed with claims 1-45. Appellant's undersigned attorney may be reached by telephone at (312) 902-5302. All correspondence should continue to be directed to the address given below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott M. Gettleson", written over a horizontal line.

Scott M. Gettleson
Registration No. 38,158

Dated: January 20, 2005

PATENT ADMINISTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
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VIII. Claims Appendix

1. (Original) A method of tracking an item, the method comprising:
providing the item with an identifier for specifying an item-identification of the item and a tracking-station-identification of a tracking station related to the item;
obtaining from the identifier of the item, via a gate having a gate-identification, the item-identification of the item and the tracking-station-identification; and
communicating to the tracking station identified by the tracking-station-identification the item-identification of the item and the gate-identification of the gate.
2. (Original) The method of claim 1, wherein obtaining comprises transmitting the item-identification and the tracking-station-identification from the identifier of the item to the gate.
3. (Original) The method of claim 1, wherein the identifier of the item comprises a passive source for providing the item-identification and the tracking-station-identification, and wherein obtaining comprises detecting the item-identification and the tracking-station-identification from the passive source.
4. (Original) The method of claim 1, wherein the item-identification of the item is uniquely associated with the item.
5. (Original) The method of claim 1, wherein the item-identification of the item comprises an Internet Protocol address for the item.
6. (Original) The method of claim 1, wherein the gate-identification of the gate is uniquely associated with the gate.
7. (Original) The method of claim 1, wherein the gate-identification of the gate comprises an Internet Protocol address for the gate.
8. (Original) The method of claim 1, wherein the gate is coupled with the tracking station via a computing network.

9. (Original) The method of claim 1, wherein the tracking-station-identification of the tracking-station comprises an Internet Protocol address for the tracking station.

10. (Original) The method of claim 1, further comprising:
providing a plurality of geographically distributed gates; and
whenever the item approaches any one of the gates, obtaining, via that gate, the item-identification of the item and the tracking-station-identification from the identifier of the item.

11. (Original) The method of claim 10, wherein the item is related to a particular one of a plurality of tracking stations, and wherein the item-identification obtained from the item is communicated, via the approached gate, to the particular tracking station related to the item.

12. (Original) The method of claim 1, further comprising communicating to the tracking station an indication of the time of detection of the item-identification.

13. (Original) The method of claim 1, wherein the gate-identification of the gate comprises a numerical value, and wherein the tracking station can determine the geographical location of the gate based on the numerical value.

14. (Original) The method of claim 1, further comprising conveying position information for the item to a user interested in tracking the item.

15. (Original) The method of claim 14, wherein the position information is based on the gate-identification.

16. (Original) The method of claim 14, wherein the gate includes a positioning system and wherein the position information is obtained from the positioning system of the gate.

17. (Original) The method of claim 14, further comprising conveying to the user an indication of a time when the item approaches the location of the gate.

18. (Original) The method of claim 1, wherein each of a plurality of items has a corresponding item-identification and is provided with a respective identifier for specifying the corresponding item-identification of that item, and further comprising obtaining, via a gate, the item-identification of each item approaching the gate and communicating to a tracking station related to such item the obtained item-identification and a gate-identification of the gate.

19. (Original) A system for tracking an item, the system comprising:
a tracking station associated with the item;
an identifier for specifying an item-identification of the item and a tracking-station-identification of the tracking station; and
a gate coupled with the tracking station for obtaining the item-identification of the item and the tracking-station-identification of the tracking station and communicating the obtained item-identification and a gate-identification of the gate to the tracking station identified by the tracking-station-identification.

20. (Original) The system of claim 19, wherein the identifier includes a transmitter for transmitting the item-identification of the item and the tracking-station-identification to the gate.

21. (Original) The system of claim 19, wherein the identifier of the item includes a passive source for providing the item-identification of the item and the tracking-station-identification of the tracking station, and wherein the gate includes a detector for detecting the item-identification and the tracking-station-identification from the passive source.

22. (Original) The system of claim 19, wherein the item-identification of the item is uniquely associated with the item.

23. (Original) The system of claim 19, wherein the item-identification of the item comprises an Internet Protocol address for the item.

24. (Original) The system of claim 19, wherein the gate-identification of the gate is uniquely associated with the gate.

25. (Original) The system of claim 19, wherein the gate-identification of the gate comprises an Internet Protocol address for the gate.

26. (Original) The system of claim 19 wherein the gate is coupled with the tracking station via a computing network.

27. (Original) The system of claim 19, further comprising at least one additional gate and at least one additional tracking station, wherein each item is associated with a particular one of the tracking stations, and wherein each gate obtains from the identifier of any item approaching that gate the item-identification of that item and communicates said item-identification to the particular one of the tracking stations together with a gate-identification of the gate.

28. (Original) The system of claim 19, wherein the item is related to a particular one of a plurality of tracking stations, and wherein the gate communicates the item-identification obtained from the identifier of the item to the particular tracking station related to the item.

29. (Original) The system of claim 19, wherein the gate further communicates to the tracking station an indication of the time of detection of the item-identification.

30. (Original) The system of claim 19, wherein the gate-identification of the gate comprises an alphanumerical value from which the tracking station can determine the geographical location of the gate.

31. (Original) The system of claim 19, wherein the tracking station conveys position information for the item to a user interested in tracking the item.

32. (Original) The system of claim 31, wherein the tracking station conveys an indication of a time at which the item-identification is obtained by the gate.

33. (Original) The system of claim 31, wherein the position information is based on the gate-identification.

34. (Original) The system of claim 33, wherein the tracking station further conveys to the user an indication of a time when the item approaches the location of the gate.

35. (Original) The system of claim 19, wherein each of a plurality of items has a corresponding item-identification and is provided with a respective identifier for specifying the corresponding item-identification of that item, and wherein the gate obtains the item-identification of each item approaching the gate and communicates to a tracking station related to such item the obtained item-identification and a gate-identification of the gate.

36. (Original) A system for tracking a plurality of items, each having a unique item-identification and being associated with one of a plurality of tracking stations, the system comprising:

an identifier for each item for specifying an item-identification of that item and a tracking-station-identification of the tracking station associated with the item; and

a plurality of gates for obtaining the item-identification and tracking-station-identification from each approaching item and communicating the obtained item-identification and a gate-identification of the gate to the tracking station identified by the tracking-station-identification.

37. (Original) A method of tracking a plurality of items, each having a unique item-identification and being associated with one of a plurality of tracking stations, the method comprising:

providing for each item an identifier for specifying the item-identification of that item and a tracking-station-identification of the tracking station associated with that item;

providing a plurality of geographically distributed gates, each having a unique gate-identification;

obtaining, at each gate approached by one of the items, the item-identification of that item and the tracking-station-identification from the identifier of that item; and

communicating each obtained item-identification and the gate-identification of the gate approached by that item to the tracking station identified by the tracking-station-identification.

38. (Previously Presented) An identifier for use in tracking an item with an item tracking system, the identifier comprising:

an item-identification uniquely associated with a particular item;

a tracking-station-identification uniquely associated with a tracking station related to the particular item; and

a transmitter adapted for communicating the item-identification and the tracking-station-identification from the identifier to a gate coupled with the tracking station related to the particular item.

39. (Previously Presented) The identifier of claim 38, wherein the item-identification of the item comprises an Internet Protocol address for the item.

40. (Previously Presented) The identifier of claim 38, wherein the tracking-station-identification of the tracking station comprises an Internet Protocol address for the tracking station.

41. (Previously Presented) The identifier of claim 38, further comprising a passive source for providing the item-identification and the tracking-station-identification.

42. (Previously Presented) A gate for use in an item tracking system capable of tracking a plurality of items, each item having an identifier, the gate comprising:

a gate-identification uniquely associated with the gate;

a detector for obtaining from the identifier of one of the plurality of items an item-identification of the item and a tracking-station-identification of a tracking station related to the item; and

a transmitter adapted for communicating the obtained item-identification and the gate-identification uniquely associated with the gate to the tracking station identified by the tracking-station-identification.

43. (Previously Presented) The gate of claim 42, wherein the item-identification of the item comprises an Internet Protocol address for the item.

44. (Previously Presented) The gate of claim 42, wherein the tracking-station-identification of the item comprises an Internet Protocol address for the tracking station related to the item.

45. (Previously Presented) The gate of claim 42, wherein the gate-identification uniquely associated with the gate comprises an Internet Protocol address for the gate.

IX. Evidence Appendix

No evidence is submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132.

X. Related Proceedings Appendix

No related proceedings are known to appellant.